

REMARKS

Claims 1 to 35 have been cancelled. Claims 36 to 51 have been added.

The reinstatement of claims 1, 3, 5 to 11, and 14 to 20 in view of the withdrawal of the restriction requirement set forth in the Office Action dated December 31, 2002 is appreciated. However, claims 1, 3, 5 to 11, and 14 to 20 have now been cancelled.

Claims 1 to 3, 5 to 11, and 14 to 20 have been rejected under 35 U.S.C. 112, first paragraph, for lack of enablement.

The rejection of claims 1 to 3, 5 to 11, 14 to 20 under 35 U.S.C. 112, first paragraph, for lack of enablement is moot since they have been cancelled.

In the rejection under 35 U.S.C. 112, first paragraph, for lack of enablement, the Action stated that the specification did not reasonably enable the prevention, amelioration, or treatment of cellulite in the now-cancelled claims. Now-cancelled claims 1 to 3, 5, 10, 11, and 20 referred to the amelioration or treatment of cellulite. New claims 36 to 51 also refer to the amelioration or treatment of cellulite.

The specification is enabling for the amelioration or treatment of cellulite with perilla seed oil. Examples 1 and 2 demonstrate the stabilizing effect of perilla seed oil on PPAR upregulation. Cellulite is associated with PPAR upregulation (page 1, lines 12 and 13). Thus, new claims 36 to 44 are indeed enabled by the specification.

Claims 21 and 23 to 32 have been rejected under 35 U.S.C. 112, first paragraph, for lack of lack of written description.

The rejection of claims 21 and 23 to 32 under 35 U.S.C. 112, first paragraph, for lack of lack of written description is moot since they have been cancelled.

Claims 14, 15, 21, and 22 to 35 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The rejection of claims 14, 15, 21, and 22 to 35 under 35 U.S.C. 112, second paragraph, as being indefinite is moot since they have been cancelled.

The rejection of claim 21 under 35 U.S.C. 112, second paragraph, as being indefinite is not well taken. Claim 21 has been cancelled.

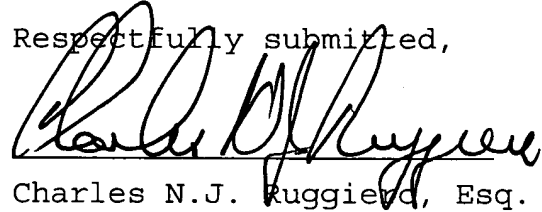
Claims 1 to 3, 6 to 11, 14 to 18, 20, 21, 23, 24, 27 to 32, 34 and 35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,312,834 to Yeo (Yeo) in view of U.S. Patent No. 5,445,822 to Bracco (Bracco).

The rejection of claims 1 to 3, 6 to 11, 14 to 18, 20, 21, 23, 24, 27 to 32, 34 and 35 under 35 U.S.C. 103(a) over Yeo in view of Bracco is moot since they have been cancelled.

Consideration of new claims 36 to 51 is deemed warranted in view of the foregoing. Allowance of said claims is earnestly solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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